

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

**STATE OF KANSAS, STATE OF  
NORTH DAKOTA, *et al.*,**

*Plaintiffs,*

**v.**

**UNITED STATES OF AMERICA, *et al.*,**

*Defendants.*

Case No. 1:24-cv-150-DMT-CRH

**JOINT MOTION FOR ENTRY OF AN AMENDED PROTECTIVE ORDER**

Pursuant to Federal Rules of Civil Procedure 5.2 and 26(c) and 5 U.S.C. § 552a(b)(11), the parties respectfully request that the Court enter an Order approving the attached proposed Amended Stipulated Protective Order to govern the use and disclosure of the DACA recipients' names and addresses that the Court has ordered Defendants to produce to the State of North Dakota for the purpose of addressing standing and venue arguments in this case.

On October 29, 2024, the Court entered the parties' joint stipulation for a Protective Order. *See* ECF No. 100. The Protective Order permits individuals employed by the N.D. Attorney General's Office, the N.D. Dept. of Transportation, the N.D. Dept. of Public Instruction, and N.D. public-school districts to access the information for specified purposes. *See id.* at ¶ 4.d. It has since come to the State's attention that due to how relevant databases are maintained and operated, personnel from the N.D. Information Technology Department may need to conduct certain record searches on behalf of or in place of the previously identified State agencies. Consequently, the State seeks an Amended Protective Order that expressly includes personnel employed by the N.D. Information Technology Department within the paragraph establishing the persons to whom a disclosure of Covered Information or Covered Documents may be made (paragraph 4.d). The parties also propose a clarification

to expressly specify that Covered Documents include both physical and digital documents (paragraph 2.c). No other substantive amendments to the Protective Order are proposed, including the provision (in paragraph 4.d) that Counsel for North Dakota shall limit the number of individuals to whom such information is disclosed to as few as possible required to carry out the Court's order.

**Certification pursuant Local Civil Rule 37.1(A):** The parties hereby certify that they conferred in good faith prior to filing this motion and Defendants do not object to the State's request for an amended Protective Order.

Dated: October 31, 2024.

Respectfully submitted,

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